

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Yoshiyuki FUKUMOTO, et al. Docket No: Q88645

Appln. No.: 10/539,373

Allowed: January 23, 2008

Confirmation No.: 4607

Group Art Unit: 2627

Filed: June 16, 2005

Examiner: Allen J. HEINZ

For: MAGNETIC TUNNEL MAGNETO-RESISTANCE DEVICE AND MAGNETIC
 MEMORY USING SAME

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicants hereby notify the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and/or listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. U.S. Patent Application Publication No. 2003/0134096, published July 2003.
2. U.S. Patent Application Publication No. 2005/0276099, published December 2005.
3. U.S. Patent No. 7,264,974, issued September 2007.

None of the listed documents is submitted herewith, since each is a U.S. patent or patent publication. A copy of the Notice of Allowance, dated March 4, 2008, issued in corresponding co-pending U.S. application no. 10/697,124, which cites the listed documents, is attached.

The present Information Disclosure Statement is being filed after either a Final Office Action, Notice of Allowance, or an action that otherwise closes prosecution in the application (whichever is earlier), but before payment of the Issue Fee, and therefore Applicants are submitting the statutory fee of \$180.00 to Deposit Account No. 19-4880 via EFS payment screen under 37 C.F.R. § 1.17(p), and a Statement Under 37 C.F.R. § 1.97(e).

The present Information Disclosure Statement is being filed thirty days or fewer from the mailing date of the communication issued in the corresponding co-pending U.S. application and a Statement Under 37 C.F.R. § 1.704(d) is attached.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account. A duplicate copy of this paper is attached.

Respectfully submitted,

/Howard L. Bernstein/

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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Howard L. Bernstein
Registration No. 25,665

Date: April 1, 2008

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STATEMENT UNDER 37 C.F.R. § 1.704(d)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That each item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in a communication issued in a corresponding co-pending U.S. application, and that the communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

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Alexandria, VA 22313-1450

Sir:

The undersigned hereby states, upon information and belief:

That no item of information contained in the Information Disclosure Statement filed concurrently herewith was cited in any communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making a reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of said Information Disclosure Statement.

Respectfully submitted,

/Howard L. Bernstein/

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